

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**THOMAS E. BRYANT and
JONATHAN M. BALES,**

Defendants.

8:08CR377

ORDER

This matter is before the court on the unopposed motion of Jonathan M. Bales to continue trial (Doc. 69). A continuance is requested because law enforcement failed to timely provide reports and other items to the U.S. Attorney's Office which, in turn, was unable to timely provide discovery to the defendant. The court finds that the trial must be continued.

IT IS ORDERED that the motion is granted, as follows:

1. The jury trial now set for September 15, 2009 is continued to **November 3, 2009.**

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **September 15, 2009 and November 3, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED September 4, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge